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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE WESTERN DISTRICT OF WASHINGTON (SEATTLE)**

7 ADNAN ABU SELEH, a resident of the State of  
8 Washington, *on behalf of himself and his marital*  
9 *community,*

10 Plaintiff,

11 v.

12 WASHINHTON STATE DEPARTMENT OF  
13 TRANSPORTATION, *a Washington State*  
14 *governmental agency and recipient of federal*  
15 *financial assistance,*

16 Defendant(s).

Case No. 21-457

PLAINTIFF'S CIVIL COMPLAINT FOR  
DAMAGES

**JURY DEMANDED**

17 **TO:** U.S. District Court Clerk's Office for the Western District of Washington (Seattle); and  
18 **TO:** Washington State Department of Transportation

19 **I. INTRODUCTION**

20 **PLEASE TAKE NOTICE**, the Plaintiff, Adnan Abu Seleh, by and through his attorney of record,  
21 Edward C. Chung, and the law firm of CHUNG & MALHAS & MANTEL, PLLC, hereby initiates a civil  
22 lawsuit against Defendant, Washington State's Department of Transportation (hereinafter referred to as  
23 "WDOT"), a Washington State governmental agency. Plaintiff, Adnan Abu Seleh is a 63-year-old  
24 Palestinian Muslim American that has worked for Washington State Department of Transportation for  
25 approximately 30 years. The WSDOT is a direct recipient of federal financial assistance wherein by federal  
26 law the WSOT comply must comply with Title VI of the Civil Rights Act of 1964. Plaintiff, Adnan Abu  
27 Seleh, *timely* brings this lawsuit against the WSOT for damages caused to him and his marital community  
28 for race, sex, age and national origin-based discrimination in violation of Title VII of the Civil Rights Act of  
1964, as codified at 42 U.S.C. §§ 2000e *et seq.*



## **II. PLAINTIFF'S PRE-FILING COMPLIANCE**

*(Plaintiffs re-alleges the Complaint's Introduction and incorporates it herein as if set forth in full)*

- 2.1 Plaintiff, prior to filing this Complaint in federal court, has filed an administrative complaint against WSDOT with the Equal Opportunity Commission ("EEOC"). Plaintiff's administrative complaint was filed within 180 days of WSDOT unlawful employment practices. The claims alleged herein are, at the time of filing, predicated on WSDOT violations of Title VI and Title VII of the Civil Rights Act of 1964, as codified in 42 U.S.C. §§ 2000e. Plaintiff, reserves the right to allege Plaintiff's state-based claims.
- 2.2 Plaintiff, prior to filing this lawsuit in federal court, has exhausted all federal administrative remedies for Plaintiff's federal claims by filing this Complaint within 90 days of Plaintiff's receipt of a right to sue letter from the EEOC wherein Plaintiff has complied with 42 U.S.C. § 200e-5(d)(1) prior to filing this Complaint.

## **III. PARTIES AND JURISDICTION**

*(Plaintiffs re-alleges the Complaint's Introduction, Paragraphs 2.1 through 2.2 and incorporates them herein as if set forth in full)*

- 3.1 Plaintiff, Adnan Abu Seleh and his marital community at all times material hereto were residents of King County, Washington.
- 3.2 Defendant, WSDOT, is a governmental subdivision and administrative agency of the State of Washington. It constructs, maintains, and regulates the use of transportation infrastructure within the Washington.
- 3.3 This Court has jurisdiction because Plaintiff's claims for damages involves a federal question wherein Defendant's conduct was in violation of Title VI and Title VII of the Civil Rights Act of 1964.

## **IV. FACTUAL BASIS FOR COMPLAINT**

*(Plaintiffs re-alleges the Complaint's Introduction, Paragraphs 2.1 through 3.3 and incorporates them herein as if set forth in full)*

- 4.1 Plaintiff, Adnan Abu Seleh is a 63-year-old Palestinian Muslim American that has worked for Washington State Department of Transportation for approximately 30 years .
- 4.2 Plaintiff, while working for WSDOT continued employment was repeatedly threatened during the course of his employment with termination. WSDOT also on numerous occasions denied Plaintiff repeated promotions over other co-workers and employees who had less experience and expertise.
- 4.3 While employed by WSDOT, Plaintiff was also denied training that was provided to other WSOT employees, as well as denied the opportunity to get Engineering in Training ("EIT") classes as agreed upon between the WSDOT State of Washington and Plaintiff's Union.
- 4.5 Plaintiff was also assigned a position.



**V. CAUSES OF ACTIONS**

*(Plaintiffs re-alleges the Complaint's Introduction and Paragraphs 2.1 through 4.5 of the Complaint as if set forth in full)*

**FIRST FEDERAL CAUSE OF ACTION**

***Violation of Title VI and Title VII of Civil Rights Act Of 1964  
(Race, Age, Sex & National Origin Based Discrimination)***

- 5.1 Plaintiff is a member of a protected class.
- 5.2 On information and belief Defendant receives federal funding.
- 5.3 In violation of section 601 of the Civil Rights Act of 1964, Defendant intentionally discriminated against Plaintiff.
- 5.4 Defendant discriminated against Plaintiff because of his race, age, sex and national origin.
- 5.5 As a direct and proximate result of Defendant's discrimination, Plaintiff has been terminated from his employment, been denied promotions and herein alleges loss wages and compensation.
- 5.6 On information and belief, Defendant receives financial assistance from the United States Department of Transportation and is therefore subject to suit under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. ("Title VI").
- 5.7 Defendant violated Title VI by being deliberately indifferent to the maintenance of discriminatory and hostile workplace. Plaintiff has suffered discrimination that is severe, pervasive, and objectively offensive. As a result, Plaintiff has been deprived of wages, benefits and opportunities provided to other employees in violation of Title VI.
- 5.8 Defendant exercised control over supervisor and employees where the discriminatory and hostile environment was created. Defendant had actual notice of the discriminatory and hostile workplace, had the authority to address it and take corrective action.

**SECOND FEDERAL CAUSE OF ACTION**

***Violation of 42 U.S.C. 1981  
Violation of U.S. Discrimination and Retaliation Law in Workplace***

- 5.1 During Plaintiff's employment with WSDOT, Defendant engaged in a pattern of race, sex, age and national origin-based discrimination that deprived Plaintiff in being promoted and resulted in Plaintiff in being terminated.
- 5.2 Defendant WSDOT is vicarious liable for these actions against Mr. Abi-Seleh.



**VI. PRAYER FOR RELIEF**

*(Plaintiffs re-alleges the Complaint's Introduction, Paragraphs 2.1 through 6.14 and incorporates them herein as if set forth in full)*

Having stated Plaintiff's Complaint and claims, Plaintiff requests the following relief:

- 6.1 An award of Plaintiff's damages, including but not limited to damages for front and back pay, lost benefits, damages for loss of reputation and harm to career, emotional distress damages, attorneys' fees, punitive damages, and general damages;
- 6.2 Plaintiff seeks future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and the amount of punitive damages permissible under this section.

*Respectfully submitted this 5<sup>th</sup> of April 2021.*

**CHUNG, MALHAS & MANTEL, PLLC.**

/s/ Edward C. Chung  
Edward C. Chung, WSBA # 34292  
Attorney for Plaintiff, Adnan Abu Seleh



**DECLARATION OF SERVICE**

I, Edward C. Chung, declare under penalty of perjury under the laws of the State of Washington that I am counsel of record for the Plaintiff, Adnan Abu Seleh, with an address of 1037 NE 65<sup>th</sup> Street, Suite 80171, Seattle, Washington 98115; and I caused copies of Complaint to be filed with the U.S. District Court's Electronic Case Filing database on this 5<sup>th</sup> day of April, 2021.

**CHUNG, MALHAS & MANTEL, PLLC.**

/s/ Edward C. Chung  
Edward C. Chung, WSBA # 34292  
Attorney for Plaintiff, Adnan Abu Seleh

